

ESTTA Tracking number: **ESTTA560864**

Filing date: **09/23/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202562
Party	Defendant Velocity, LLC
Correspondence Address	ANDREA J MEALEY HINCKLEY ALLEN & SNYDER LLP 28 STATE ST BOSTON, MA 02109-1775 UNITED STATES amealey@haslaw.com, tmdocket@haslaw.com
Submission	Defendant's Notice of Reliance
Filer's Name	Andrea J, Mealey
Filer's e-mail	tmdocket@hinckleyallen.com, amealey@hinckleyallen.com
Signature	/Andrea J Mealey/
Date	09/23/2013
Attachments	Applicant's Third Notice of Reliance with Exhibits 31-33.PDF(1116984 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____)	
Boston Athletic Association,)	
)	
Opposer,)	Opposition No.: 91202562
)	Application No.: 85/224698
v.)	Mark: MARATHON MONDAY
)	Class: 25
Velocity, LLC)	
)	
Applicant.)	
_____)	

APPLICANT'S THIRD NOTICE OF RELIANCE

Notice is hereby given pursuant to 37 C.F.R. § 2.122(e), that Applicant, Velocity, LLC, introduces as evidence and relies upon the following WHOIS domain name information showing ownership of domain names by parties other than Opposer:

Domain Name / WHOIS	Trial Exhibit
Marathonmonday.com http://www.networksolutions.com/whois/results.jsp?domain=marathonmonday.com	31
Marathonmonday.net http://www.networksolutions.com/whois/results.jsp?domain=marathonmonday.net	32
Marathonmonday.org http://www.networksolutions.com/whois/results.jsp?domain=marathonmonday.org	33

VELOCITY, LLC
By its attorneys,

/Andrea J. Mealey/
Andrea J. Mealey
Hinckley Allen & Snyder LLP
28 State Street
Boston, MA 02109
Ph: 617-342-9000

Dated: September 23, 2013

CERTIFICATE OF FILING

The undersigns affirms that the foregoing APPLICANT'S THIRD NOTICE OF RELIANCE was filed with the Trademark Trial and Appeal Board via the ESTTA electronic filing system on the date shown below.

Dated: September 23, 2013

/Andrea J. Mealey/
Andrea J. Mealey

CERTIFICATE OF SERVICE


I hereby certify that on this 8th day of August 2013, I served a true and accurate copy of the foregoing Applicant's Third Notice of Reliance via first class mail, postage prepaid upon Counsel for Opposer addressed as follows:

Barbara A. Barakat
Wilmer Cutler Pickering Hale and Dorr, LLP
60 State Street
Boston, MA 02109

/Andrea J. Mealey/
Andrea J. Mealey

)	
Boston Athletic Association,)	
)	
Opposer,)	Opposition No.: 91202562
)	Application No.: 85/224698
v.)	Mark: MARATHON MONDAY
)	Class: 25
Velocity, LLC)	
)	
Applicant.)	
)	

TRIAL EXHIBIT 31


 network

1-877-468-8639

[Support](#) [Renew Services](#) [My Cart \(0\)](#)

All Products

Home > Products > Results

 WebAddress™

[Search](#) [Renew](#) [Transfer](#) [Features](#) [Private Registration](#) [Protect](#) [Forward](#)

WHOIS Results for marathonmonday.com

Available domain names similar to marathonmonday.com


<input type="checkbox"/> marathonmonday.us	<input type="checkbox"/> marathonmonday.com	<input type="checkbox"/> blackmondaysofthecity.com	\$900
<input type="checkbox"/> marathonmonday.us.com	<input type="checkbox"/> projectmonday.com	<input type="checkbox"/> buyyourmarathon.com	\$1,299
<input type="checkbox"/> marathonmonday.info	<input type="checkbox"/> marathonmonday.com	<input type="checkbox"/> blackmonday.com	\$1,395
<input type="checkbox"/> marathonmonday.mobi	<input type="checkbox"/> marathonmondaynight.com	<input type="checkbox"/> marathonmonday.com	\$588

1/26/2013 9:28:07 AM

View Similar Domains

marathonmonday.com

Is this your domain name? [Renew it now.](#)



Current Registrar: GODADDY.COM, LLC

IP Address: 184.16.122.113 (ARIN & RIPE IP search)

Record Type: Domain Name

Server Type: IIS 6

Lock Status: clientDeleteProhibited

WebSite Status: Parked

Domain Name: MARATHONMONDAY.COM
Registrar URL: http://www.godaddy.com
Updated Date: 2012-09-27 19:25:10
Creation Date: 2006-09-23 15:03:56
Registrar Expiration Date: 2014-11-16 23:59:59
Registrar: GoDaddy.com, LLC
Registrant Name: Dennis Daly
Registrant Organization:
Registrant Street: 18 Kenmar Drive
Registrant Street: Unit 160
Registrant City: Billerica
Registrant State/Province: MA
Registrant Postal Code: 01821
Registrant Country: United States
Admin Name: Dennis Daly
Admin Organization:
Admin Street: 18 Kenmar Drive
Admin Street: Unit 160
Admin City: Billerica
Admin State/Province: MA
Admin Postal Code: 01821
Admin Country: United States
Admin Phone: 7816404580
Admin Fax:
Admin Email: Sinned7@yahoo.com
Tech Name: Dennis Daly
Tech Organization:
Tech Street: 18 Kenmar Drive
Tech Street: Unit 160
Tech City: Billerica
Tech State/Province: MA
Tech Postal Code: 01821
Tech Country: United States
Tech Phone: 7816404580
Tech Fax:
Tech Email: Sinned7@yahoo.com

4 Ways to Avoid Running Out of Money During Retirement

If you have a \$500,000 portfolio, download the guide by *Forbes* columnist Ken Fisher's firm. Even if you have something else in place, this must-read guide includes research and analysis you can use right now. Don't miss it!

[Click Here to Download Your Guide!](#)

FISHER INVESTMENTS

Make an instant, anonymous offer to the current domain registrant, 1/26/2013 9:28:07 AM

Search Again

Search by either

Name Server: NS45.DOMAINCONTROL.COM
Name Server: NS46.DOMAINCONTROL.COM

The data contained in GoDaddy.com, LLC's Whois database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, LLC. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" section. In most cases, GoDaddy.com, LLC is not the registrant of domain names listed in this database. The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

- DNS Servers e.g. networksolutions.com
- IP Address e.g. 205.178.187.13



Partner with Network Solutions

[Affiliate Program](#) | [Reseller Programs](#)

[Contact Us](#)

[Feedback](#)



Products

[Domain Names](#)
[Email Hosting](#)
[Websites](#)
[Certificates](#)
[Web Hosting](#)
[SSL Certificates](#)
[Cloud Hosting](#)
[Domain Services](#)
[Web Services](#)

Affiliates & Resellers

[Affiliate Program](#)
[Low Affiliate Program](#)
[New To Program](#)

Support

[Customer Support](#)
[Contact Us](#)
[Customer Feedback](#)

Resources

[Web Hosting](#)
[Email Business Blog](#)
[Small Business Success](#)
[Tools](#)

Company Information

[About Us](#)
[Why Choose Us](#)
[Careers](#)
[Press](#)

Promotions & Free Offers

[New to Us](#)
[Email Address](#)
[Free Website](#)
[Free Domain Names](#)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____)	
Boston Athletic Association,)	
)	
Opposer,)	Opposition No.: 91202562
)	Application No.: 85/224698
v.)	Mark: MARATHON MONDAY
)	Class: 25
Velocity, LLC)	
)	
Applicant.)	
_____)	

APPLICANT'S THIRD NOTICE OF RELIANCE

TRIAL EXHIBIT 32


[Buy Now \\$ 877-623-0686](#)
[Support](#)
[Renew Services](#)
[My Cart \(0\)](#)
[View Cart](#)
[All Products](#)
[Home](#)
[Whois](#)
[Results](#)
[Home](#)
WebAddress™
[Search](#)
[Renew](#)
[Transfer](#)
[Features](#)
[Private Registration](#)
[Protect](#)
[Forward](#)

WHOIS Results for marathonmonday.net

Available domain names similar to marathonmonday.net

<input type="checkbox"/> marathonmonday.net	<input type="checkbox"/> marathonmonday.com	<input type="checkbox"/> blackmondaysociety.com	\$900
<input type="checkbox"/> marathonmonday.us.com	<input type="checkbox"/> protectmonday.com	<input type="checkbox"/> bostonmarathons.com	\$1,299
<input type="checkbox"/> marathonmonday.info	<input type="checkbox"/> marathonmondaynight.com	<input type="checkbox"/> blackmonday.com	\$1,395
<input type="checkbox"/> marathonmonday.mobi	<input type="checkbox"/> protectmondaynight.com	<input type="checkbox"/> marathonbriest.com	\$588

[View More](#)

marathonmonday.net

Is this your domain name? [Renew it now.](#)



Current Registrar: GODADDY.COM, LLC
IP Address: 216.33.201.18 (ARIN & RIPE IP search)
Record Type: Domain Name
Server Type: IIS 6
Lock Status: clientDeleteProhibited
WebSite Status: Parked

[BOOKMARK](#)

Domain Name: MARATHONMONDAY.NET
 Registrar URL: http://www.godaddy.com
 Updated Date: 2013-04-13 05:21:21
 Creation Date: 2010-04-12 12:43:24
 Registrar Expiration Date: 2014-04-12 12:43:24
 Registrar: GoDaddy.com, LLC
 Registrant Name: Dennis Daly
 Registrant Organization:
 Registrant Street: 18 Kenmar Drive
 Registrant Street: Unit 160
 Registrant City: Billerica
 Registrant State/Province: Massachusetts
 Registrant Postal Code: 01821
 Registrant Country: United States
 Admin Name: Dennis Daly
 Admin Organization:
 Admin Street: 18 Kenmar Drive
 Admin Street: Unit 160
 Admin City: Billerica
 Admin State/Province: Massachusetts
 Admin Postal Code: 01821
 Admin Country: United States
 Admin Phone: +1.7816404580
 Admin Fax:
 Admin Email: Sinned7@yahoo.com
 Tech Name: Dennis Daly
 Tech Organization:
 Tech Street: 18 Kenmar Drive
 Tech Street: Unit 160
 Tech City: Billerica
 Tech State/Province: Massachusetts
 Tech Postal Code: 01821
 Tech Country: United States
 Tech Phone: +1.7816404580
 Tech Fax:
 Tech Email: Sinned7@yahoo.com

4 Ways to Avoid Running Out of Money During Retirement

If you have a \$500,000 portfolio, download the guide by *Forbes* columnist Ken Fisher's firm. Even if you have something else in place, this must-read guide includes research and analysis you can use right now. Don't miss it!

[Click Here to Download Your Guide!](#)

FISHER INVESTMENTS

Make an instant, anonymous offer to the current domain registrant, [examine your offer](#)

*\$249,950 - \$10

Search Again

Search by either

Name Server: NS33.DOMAINCONTROL.COM
Name Server: NS31.DOMAINCONTROL.COM

The data contained in GoDaddy.com, LLC's Whois database, while believed by the company to be reliable, is provided "as is" with no guarantee or warranties regarding its accuracy. This information is provided for the sole purpose of assisting you in obtaining information about domain name registration records. Any use of this data for any other purpose is expressly forbidden without the prior written permission of GoDaddy.com, LLC. By submitting an inquiry, you agree to these terms of usage and limitations of warranty. In particular, you agree not to use this data to allow, enable, or otherwise make possible, dissemination or collection of this data, in part or in its entirety, for any purpose, such as the transmission of unsolicited advertising and solicitations of any kind, including spam. You further agree not to use this data to enable high volume, automated or robotic electronic processes designed to collect or compile this data for any purpose, including mining this data for your own personal or commercial purposes.

Please note: the registrant of the domain name is specified in the "registrant" section. In most cases, GoDaddy.com, LLC is not the registrant of domain names listed in this database. The previous information has been obtained either directly from the registrant or a registrar of the domain name other than Network Solutions. Network Solutions, therefore, does not guarantee its accuracy or completeness.

Domain Name: marathonmonday.net

○ Domain Name: e.g. networksolutions.com
○ IP Address: e.g. 205.178.187.13

Register with Network Solutions
Affiliate Program - Register Today!

Contact Us | Feedback



Products

Domain Services
Web Hosting
Email Hosting
SSL Certificates
Website Builders
Cloud Hosting
Domain Privacy
Domain Transfers
Domain Services

Affiliates & Resellers

Affiliate Program
Web Hosting Reseller
Domain Reseller

Support

Get Help Now
Contact Us
Get Help with Us

Resources

Web Hosting
Domain Services
Domain Privacy
Email

Company Information

About Us
About Us
Contact Us
Privacy


Promotions & Free Offers

Special Offers
Get a Free Trial
Free Hosting
Free Domain




)	
Boston Athletic Association,)	
)	
Opposer,)	Opposition No.: 91202562
)	Application No.: 85/224698
v.)	Mark: MARATHON MONDAY
)	Class: 25
Velocity, LLC)	
)	
Applicant.)	
)	

TRIAL EXHIBIT 33


[Support](#)
[Renew Services](#)
[My Cart \(0\)](#)

[All Products](#)

[Home](#)
[Products](#)
[Whois](#)
[Results](#)


[Search](#)
[Renew](#)
[Transfer](#)
[Features](#)
[Private Registration](#)
[Protect](#)
[Forward](#)

WHOIS Results for marathonmonday.org

Available domain names similar to marathonmonday.org

<input type="checkbox"/> marathonmonday.us	<input type="checkbox"/> marathonmonday.com	<input type="checkbox"/> blackmondaysociety.com	\$900
<input type="checkbox"/> marathonmonday.usa.com	<input type="checkbox"/> projectmonday.com	<input type="checkbox"/> bostonmarathonas.com	\$1,299
<input type="checkbox"/> marathonmonday.info	<input type="checkbox"/> marathonmonday.com	<input type="checkbox"/> blackmonday.com	\$1,395
<input type="checkbox"/> marathonmonday.mobi	<input type="checkbox"/> projectmondayclub.com	<input type="checkbox"/> marathonmonday.com	\$588

marathonmonday.org

Is this your domain name? [Renew it now.](#)



IP Address: 208.112.127.12 (ARIN & RIPE IP search)
Record Type: Domain Name
Server Type: IIS 6
WebSite Status: Parked

[BOOKMARK](#)

Visit [AboutUs.org](#) for more information about MARATHONMONDAY.ORG

[MARATHONMONDAY.ORG](#)

Registrant:

New York Road Runners Inc.
845 3rd Ave
New York, NY 10022
US

[View Full Whois Data...](#)

Domain Name: MARATHONMONDAY.ORG

Promote your business to millions of viewers for only \$1.25 a month!

Learn how you can get an Enhanced Business Listing here for your domain name. [Learn More](#)

Administrative Contact , Technical Contact :

New York Road Runners Inc.
sysadmin@nyrr.org
845 3rd Ave
New York, NY 10022
US
Phone: 6467589704

Record expires on 22-Jun-2014

Record created on 22-Jun-2010

4 Ways to Avoid Running Out of Money During Retirement

If you have a \$500,000 portfolio, download the guide by *Forbes* columnist Ken Fisher's firm. Even if you have something else in place, this must-read guide includes research and analysis you can use right now. Don't miss it!

[Click Here to](#)
[Download Your](#)
[Guide!](#)

Database last updated on 23-Apr-2013

Domain servers in listed order:

NS1.NETSOL.COM
NS2.NETSOL.COM

54.122.12.1
205.172.190.4
205.172.193.4

FISHER INVESTMENTS™

Make an instant, anonymous offer to the current domain registrant. Learn more.

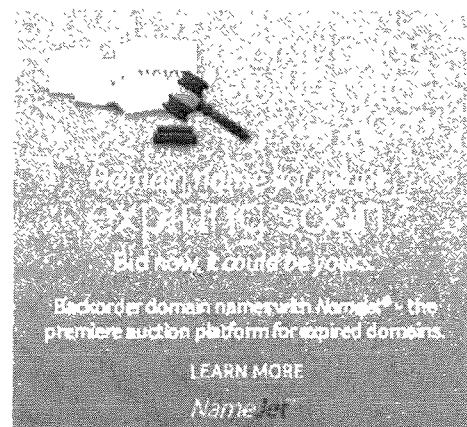
Go to the domain page

Search Again

Search by either

- ☐ Domain Name e.g. networksolutions.com
☐ IP Address e.g. 205.178.187.13

Go



Domain name for sale?
EXPANDING SOON
Bid now. It could be yours.

Backorder domain names with NameJet® - the premiere auction platform for expired domains.

LEARN MORE

NameJet



Partner with Network Solutions

Affiliate Program | Reseller Programs

Products

Domain Names
Web Hosting
Email Hosting
Web Analytics
SSL Certificates
Domain Marketing
Domain Services
Website Services

Affiliates & Resellers

Affiliate Program
Web Hosting Reseller
Reseller Program

Support

Customer Support
Knowledgebase
Web Hosting Support

Resources

Blog
Domain Name Blog
Domain Name Wiki
Web Hosting Blog

Company Information

About Us
Contact Us
Careers
Press

Promotions & Free Offers

New Registrars
Domain Name Sale
Free Website
Domain Name Tools

Contact Us



© 2013 Network Solutions, LLC. All rights reserved. | Privacy Policy | Terms of Service | Site Map | Contact Us
Network Solutions, LLC. A Web.com Company. All rights reserved.

Secure transaction guaranteed
SSL (Secure Sockets Layer) technology
ensures your information is always
protected during transmission.

